

BRANDON | SMERBER
LAW FIRM
139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

1 **LEW BRANDON, JR., ESQ.**
Nevada Bar No. 5880
2 **RYAN VENCI, ESQ.**
Nevada Bar No. 7547
3 **BRANDON | SMERBER LAW FIRM**
139 E. Warm Springs Road
4 Las Vegas, Nevada 89119
5 (702) 380-0007
6 (702) 380-2964 – *facsimile*
l.brandon@bsnv.law
7 r.venci@bsnv.law
Attorneys for Defendant,
8 *99 CENTS ONLY STORES LLC d/b/a*
9 *99 CENTS ONLY STORES*

10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 RUFINA HERRERA,

13 Plaintiff,

14 vs.

15 99 CENTS ONLY STORES LLC dba 99
16 CENTS ONLY STORES, a Foreign Limited-
17 Liability Company; DOES I through X,
18 inclusive, and ROE CORPORATIONS I
through X, inclusive,

19 Defendants.

CASE NO.: 2:24-cv-00358-RFB-DJA

STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER

SPECIAL SCHEDULING REVIEW
REQUESTED

20
21 Pursuant to Local Rules 26-1(b), the parties respectfully submit the following stipulated
22 discovery plan and jointly request that the Court: 1) approve this plan, and 2) implement the plan
23 as a scheduling order. The FRCP 26(f) conference was held on February 23, 2024, by MICHAEL
24 C. KANE, ESQ., BRADLEY J. MYERS, ESQ., and BRETT J. SCHWARTZ, ESQ., of
25 THE702FIRM INJURY ATTORNEYS for Plaintiff, RUFINA HERRERA and RYAN VENCI,
26 ESQ., of BRANDON | SMERBER LAW FIRM for Defendant, 99 CENTS ONLY STORES LLC
27 d/b/a 99 CENTS ONLY STORES. The parties propose the following discovery plan:
28

1. Subjects on which discovery may be needed (Fed. R. Civ. P. 26(f)(3)(A):

Discovery will be needed on the facts and circumstances surrounding the allegations in the complaint, namely the issues of Defendants' liability and damages suffered by Plaintiff.

2. Discovery Cut-Off Date (Fed. R. Civ. P. 26(f)(3)(A), LR 26-1(b)(1)):

a) Date of Defendant's answer or appearance (LR 26-1(b)(1)):

Defendant filed its Notice of Removal on **February 21, 2024**. Defendant filed its Answer in the Eighth Judicial District Court for the State of Nevada on December 22, 2023.

a) Statement of the reasons why longer or different time periods should apply to the case (LR 26-1(a)):

The parties request an extended discovery schedule for this case because plaintiff is still treating and we will need more time to obtain records. Therefore, rather than the standard discovery period of 180 days, the parties request that the scheduling order allow for 270 days of discovery from the date of the Rule 26(f) conference in order to avoid having to request an extension from this Court in the future. This request for additional time is not meant for the purposes of delay or with any dilatory motive.

b) Proposed discovery cut-off (LR 26-1(b)(1)):

Consistent with § 2(a) above, discovery shall close on: **November 18, 2024** (270 days from the date of Defendant's first appearance before this Court).

3. Amendment of Pleadings and Adding Parties (LR 26-1(b)(2)):

Motions to amend pleadings and add parties shall be filed no later than ninety (90) days before the close of discovery: **August 20, 2024**.

4. Disclosures (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):

a) Initial disclosures:

Initial disclosures shall occur on or before: **March 8, 2024**.

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

b) Initial expert disclosures:

Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(i), initial expert disclosures shall be due no later than sixty (60) days before the close of discovery: **September 19, 2024.**

c) Rebuttal expert disclosures:

Pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), rebuttal expert reports shall be due no later than thirty-one (30) days before the close of discovery: **October 18, 2024.**

5. Dispositive Motions (LR 26-1(b)(4)):

The deadline for filing dispositive motions shall be thirty (30) days after the close of discovery: **December 18, 2024.**

6. Joint Pre-Trial Order (LR 26-1(b)(5), (6)):

The joint pre-trial order shall be filed no later than thirty (30) days after the date set for filing dispositive motions: **January 17, 2025.** The joint pre-trial order shall include the disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them.

7. Alternative Dispute Resolution (LR 26-1(b)(7)):

Counsel for the parties certify that they met and conferred about the possibility of using alternative dispute resolution including mediation, arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be effective at this time as the parties and their counsel believe that it is necessary to conduct discovery before attempting to resolve this case. Counsel further agrees that a settlement conference will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in submitting this case to arbitration.

///

///

///

8. Alternative Forms of Case Disposition (LR 26-1(b)(8)):

The parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order 2013-01) but do not consent to those forms of dispute resolution at this time.

9. Electronic Evidence (LR 26-1(b)(9)):

The parties certify that they have discussed and intend to use electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic jury evidence display system. At present, the parties have not agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre-Trial Order.

DATED this 20th day of March 2024. DATED this 20th day of March 2024.

BRANDON | SMERBER LAW FIRM

THE702FIRM INJURY ATTORNEYS

/s/ Lew Brandon, Jr., Esq.

/s/ Brett J. Schwartz, Esq.

LEW BRANDON, JR., ESQ.

MICHAEL C. KANE, ESQ.

Nevada Bar No. 5880

Nevada Bar No. 10096

RYAN VENCI, ESQ.

BRADLEY J. MYERS, ESQ.

Nevada Bar No. 7547

Nevada Bar No. 8857

139 E. Warm Springs Road

BRETT J. SCHWARTZ, ESQ.

Las Vegas, Nevada 89119

Nevada Bar No. 13755

Attorneys for Defendant,

8335 West Flamingo Road

99 CENTS ONLY STORES LLC dba

Las Vegas, Nevada 89147

99 CENTS ONLY STORES

(702) 776-3333

Facsimile (702) 505-9787

Attorneys for Plaintiff,

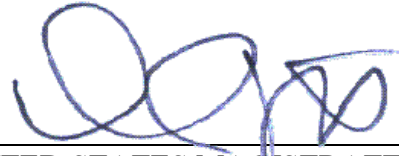
RUFINA HERRERA

Rufina Herrera v. 99 Cents Only Stores, LLC
Case No.: 2:24-cv-00358-RFB-DJA

ORDER

IT IS SO ORDERED that the parties' stipulated discovery plan and scheduling order (ECF No. 6) is GRANTED.

DATED: 3/22/2024



UNITED STATES MAGISTRATE JUDGE
HONORABLE DANIEL J. ALBREGTS

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM